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## NOTICE OF ALLOWANCE AND FEE(S) DUE

66170 7590 05/20/2010

Snell & Wilmer L.L.P. (AMEX)  
ONE ARIZONA CENTER  
400 E. VAN BUREN STREET  
PHOENIX, AZ 85004-2202

EXAMINER

AGWUMEZIE, CHARLES C

ART UNIT

PAPER NUMBER

3685

DATE MAILED: 05/20/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,379	04/09/2004	Fred Alan Bishop	80655.8517	1600

TITLE OF INVENTION: METHODS AND APPARATUS FOR CONDUCTING ELECTRONIC TRANSACTIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	08/20/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** **Mail** **Mail Stop ISSUE FEE**  
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**P.O. Box 1450**  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,379	04/09/2004	Fred Alan Bishop	80655.8517	1600
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**TITLE OF INVENTION: METHODS AND APPARATUS FOR CONDUCTING ELECTRONIC TRANSACTIONS**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	08/20/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
AGWUMEZIE, CHARLES C	3685	705-067000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, \_\_\_\_\_ 1  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. \_\_\_\_\_ 2  
\_\_\_\_\_ 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/821,379

**Examiner**

CHARLES C. AGWUMEZIE

**Applicant(s)**

BISHOP ET AL.

**Art Unit**

3685

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed on February 17, 2010.
2. ☒ The allowed claim(s) is/are 5,8-10,51-56,58 and 59.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Charlie C. Agwumezie/  
Primary Examiner, Art Unit 3685  
May 17, 2010

**DETAILED ACTION**  
**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Nigro on May 17, 2010.

**Acknowledgments**

3. Applicants amendment filed on February 17, 2010 is acknowledged. Accordingly claims 5, 8-10, 51-56, and 58-59 remain pending and are allowed subject to the examiner's amendment.

The Application has been amended as follows:

1. Claims 1-4 (canceled).

Claim 5 (Currently Amended) ~~A method for protecting a network server from being used as the basis of an attack on a network client, the method comprising:~~

A method comprising:

receiving, by a first server comprising a processor and a non-transitory, tangible memory, a transaction request from a user for a transaction at a merchant server;

receiving, by said first server, a third party request comprising executable commands being associated with a selected programming language;

scanning said third party request scanning a trusted portion of said network server to find executable commands inserted by an unwanted party, said executable commands being associated with a selected programming language, wherein said trusted portion is a subset of said network server; and,

at least one of editing and removing at least a portion of said executable commands,

wherein said at least one of editing and removing comprises at least one of

rendering said executable commands unexecutable by a said network client by removing a character of said executable commands; and

rendering said executable commands unexecutable by said network client by replacing particular characters within said executable commands;

issuing a challenge to a second server comprising a processor and a non-transitory, tangible memory and forwarding the challenge from said second server to the user, wherein said challenge is passed to an intelligent token for processing said challenge, wherein said intelligent token generates a response to said challenge;

receiving said response by said second server from the user based upon said challenge;

processing said response by said second server and verifying the intelligent token;

assembling credentials for the transaction at said first server, said credentials comprising at least one key;

providing at least a portion of said assembled credentials to said user;

receiving, by said second server, a second request from said user, said second request including said portion of said assembled credentials provided to said user; and

validating, by said second server, said portion of said assembled credentials provided to said user with said key of said assembled credentials providing access to a transaction service.

Claim 6 (canceled)

Claim 7 (canceled)

Claim 8 (Previously Presented) The method of Claim 5, further comprising rejecting a request when said request contains said executable commands having a hostile character.

Claim 9 (Previously Presented) The method of Claim 5, further comprising logging said executable commands to form a security log.

Claim 10 (Previously Presented) The method of Claim 9, further comprising reviewing said security log to determine whether said executable commands are hostile.

Claim 11-50 (Canceled)

Claim 51 (Previously Presented) The method of Claim 5, wherein said executable commands cause an unwanted action when executed.

Claim 52 (Previously Presented) The method of Claim 5, wherein said executable commands are malicious.

Claim 53 (Previously Presented) The method of Claim 5, further comprising receiving a request for a connection at said network server from said network client.

Claim 54 (Previously Presented) The method of Claim 53, further comprising verifying that a response from said network server to said network client is void of said executable commands.

Claim 55 (Previously Presented) The method of Claim 54, further comprising providing said response from said network server to said network client.

Claim 56 (Previously Presented) The method of Claim 5 wherein said programming language comprises javascript.

Claim 57 (Canceled)

Claim 58 (Currently Amended) The method claim [[1]] 5, wherein said rendering said executable commands unexecutable by said network client by replacing particular characters within said executable commands comprises converting a script format character to another character, wherein said script format character identifies a block of code.

Claim 59 (Currently Amended) The method claim [[1]] 5, wherein said rendering said executable commands unexecutable by said network client by removing a character of said executable commands comprises removing a script format character, wherein said script format character identifies a block of code.

3. Claims 5, 8-10, 51-56, and 58-59 have been allowed.



***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is U.S. Patent No. 6,272,641 B1 to Ji.

Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." In re Glaug F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-29 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings, ...the inventor's lexicography must prevail...." Id. Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

5. The primary reference Ji (U.S. Patent No. 6,272,641 B1) discloses an applet scanner that scans Internet-obtained applets for appropriate marking with additional security monitoring. See Abstract. Ji's invention involves a scanner that scans applets for "problematic" code. See col. 3, lines 25-30. If such code is found, Ji's scanner then "marks" the problematic code, which may include the insertion of additional code. See col. 3, lines 27-34. Upon execution of the applet on the client, the "marked" code is monitored for compliance with a security policy. See col. 3, lines 47-58. As previously noted, Ji teaches insertion of code near "problematic" code. Ji is not altering the problematic code at all, but instead is annotating the code for later evaluation in a run time environment. After Ji's insertion of special codes in front of problematic code, the problematic code may or may not remain in executable form.

Further, Ji contemplates execution of at least a portion of the executable code, albeit under monitoring.

Jii however does not teach at least one of editing and removing at least a portion of said executable commands, wherein said at least one of editing and removing comprises at least one of rendering said executable commands unexecutable by a network client by removing a character of said executable commands; and rendering said executable commands unexecutable by said network client by replacing particular characters within said executable commands

Moreover, the missing claimed elements from Ji are not found in a reasonable number of reference(s). Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would not have been motivated to include these missing elements in an embodiment in the Ji disclosure because: such would have changed the basic working principles and the operation of Ji which requires an insertion of a code near the executable command.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior arts made of record and not relied upon is considered pertinent to applicants disclosure.

- Kuo et al (U.S. Patent No. 6,230,288 B1) discloses Method of Treating Whitespace during Virus Detection.
- Green et al (U.S. Patent No. 5,913,024) discloses Secure Server Utilizing Separate Protocol Stack.
- Guheen et al (U.S. Patent No. 6,473,794 B1) discloses System for Establishing Plan to Test Components of Web Based Framework by Displaying Pictorial Representation and Conveying Indicia Coded Components of Existing Network Framework.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

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Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/  
Primary Examiner, Art Unit 3685  
May 17, 2010